



Lindsay F. Ditlow  
lditlow@mwe.com  
+1 212 547 5425

November 30, 2023

VIA CM/ECF

The Honorable Jessica S. Allen, U.S.M.J.  
United States District Court for the District of New Jersey  
Martin Luther King Building & United States Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 07101

Re: ***D'Ambly v. Exoo, et al.*, Civil Case No.: 2:20-cv-12880-JXN-JSA**  
**Joint Letter Regarding Mediation**

Dear Judge Allen:

Defendants Tribune Publishing Company, LLC (“Tribune”) and the New York Daily News (the “Daily News”) write jointly with Plaintiff Daniel D’Ambly regarding the above-captioned matter. This letter is in response to the Text Order dated November 2, 2023 (ECF No. 187) directing the parties to provide a letter addressing mediation.

As approved by the Court’s Order, Defendants will take the deposition of Plaintiff on December 6, 2023. Plaintiff will take the deposition of Toni Martinez on December 13, 2023. Defendants have proposed the following mediators for Plaintiff’s approval:

- Through the Court’s mediation program:
  - Dean Burrell
  - Eric Meyer
  - Hon. Frank M. Ciuffani (Ret.)
  - Hon. Victor Ashrafi (Ret.)
- Through private mediation:
  - Marla Moss

Plaintiff has yet to approve one of the proposed mediators and thus the parties have been unable to schedule the mediation session. The parties anticipate that mediation will occur in January 2024 after the holidays depending on the selected mediator’s availability.

Accordingly, the parties respectfully request that this Court grant a two-week extension to identify and secure a mediator that is acceptable to both Plaintiff and Defendants. The parties will submit another joint letter at that time identifying the selected mediator and the date of the mediation session. If the Court has questions about this approach, the parties are happy to participate in a conference.

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Respectfully submitted,

s/ Lindsay F. Ditlow

Lindsay F. Ditlow

Joseph Mulherin (*pro hac vice*)

Emily Starbuck (*pro hac vice pending*)

McDermott Will & Emery LLP

s/ Patrick Trainor

Patrick Trainor

Law Office of Patrick Trainor

*Attorney for Plaintiff Daniel D'Ambly*

*Attorneys for Tribune Publishing Company  
and New York Daily News*

**SO ORDERED**

/s/ Jessica S. Allen

**Hon. Jessica S. Allen, U.S.M.J.**

**Date:** 12/1/23

**McDermott  
Will & Emery**